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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,820

06/23/2005

Gilles Fonteneau

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EXAMINER

WILSON, DEMARIS R

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

12/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/518,820	Applicant(s) FONTENEAU ET AL.	
	Examiner DeMaris R. Wilson	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 14 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 15, 16 and 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/2005, 6/23/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-23 in the reply filed on 10/29/2007 is acknowledged.

Specification & Claim Objections

1. The title of the invention is not considered withstanding to what is instantly being claimed as the invention. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

"Reaction chamber for preparing preforms for optical fibers"

2. Claim 1 is objected to because of the following informalities: It is considered that the invention is clearly drawn to a reaction chamber for preparing preforms for optical fibers. It is strongly suggested that an appropriate preamble is used to clearly indicate the invention to what the title and claims are directed. The following is suggested: "A reaction chamber for preparing preforms for optical fibers."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17 -19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to the metes and bounds of patent protection sought by claim 17 as currently written.

5. Claims 18-19 recite the limitation "the branches" in line one of both claims. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanghera <US 5779757>. Sanghera discloses having a reaction chamber, as applied to the instant claims, having the following (see figures 1 and 3- 4)

- a first container (100) consisting essentially of a wall (top & bottom portions 102/104) delimiting a volume which is substantially closed, apart from at least one first orifice (i.e. the anterior left most opening between the top & bottom portions 102/104) formed in said wall,
- a second container (14) consisting essentially of a wall delimiting a volume which is substantially closed, apart from a second orifice (10') connecting the second container to a first end of a conduit (20) having an open second end (i.e. the end leading into container 14)

in which:

- said first and second containers are integral,
- said second container and said conduit are integral,
- said open second end is inside the first container, said chamber being capable of occupying two positions, namely

- a first position (see figure 4) in which said first orifice is in an upper position relative to the other parts of the first container, and said second orifice is in a lower position relative to the other parts of the second container, and
- a second position (see figure 3) in which said first orifice is in a lower position relative to the other parts of the first container, said second orifice being in an upper position relative to the other parts of the second container, and said open end of the conduit is aligned with and at a distance from said first orifice, and the configuration of said chamber being such that when the chamber is rotated in a first predetermined direction from said first position to said second position, any liquid contained in said second container remains in the second container without being able to flow through said conduit to said open end, and when the chamber is rotated in a second predetermined direction, from said first position to said second position, any liquid contained in said second container flows through said conduit and reaches said open end.

It is considered that though Sanghera does not explicitly recite having a chamber that when rotated from position one to position two does allow any liquid contained in the second container to flow through the conduit (20) that Sanghera's embodiment is capable of performing such an action if the amount of liquid is varied. Sanghera is not limited to preferred embodiments and that his apparatus in its entirety is reasonably suggestive of the reaction chamber as currently recited. It is considered that one of ordinary skill in the art would appreciate Sanghera's disclosure to design a reaction chamber to prepare preforms for fibers. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of invention to have used the disclosure of Sanghera to design a reaction chamber to prepare preforms for fibers.

8. Regarding claim 14, it is considered that the second container and the conduit are both inside the first container.

Allowable Subject Matter

9. Claims 15-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims are considered allowable for having the combinations of different features wherein bends of the conduits and locations of the bends with respect to the containers and orifices are recited in the reaction chamber.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
US 7185517 drawn to a double crucible for a glass drawing method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DeMaris R. Wilson whose telephone number is 571.272.6377. The examiner can normally be reached on 9-5 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571.272.1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to

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the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DeMaris R. Wilson
Examiner
Art Unit 1791

DRW 
12/15/2007


ERIC HUG
PRIMARY EXAMINER